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DATE FILED: 5-18-09

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
PAUL STUTZ,

Plaintiff,

- against -

CITY OF NEW YORK, et al.,

Defendants.
-----X

09 Civ. 1759 (VM)

CONDITIONAL

ORDER OF DISCONTINUANCE

VICTOR MARRERO, United States District Judge.

Counsel for defendants, on behalf of the parties, having notified the Court, by letter dated May 15, 2009, a copy of which is attached, that the parties have reached an agreement in principle to settle this action without further litigation, it is hereby

ORDERED, that this action be conditionally discontinued without prejudice and without costs; provided, however, that within sixty (60) days of the date of this Order, the parties may submit to the Court their own Stipulation of Dismissal for the Court to So Order. Otherwise, within such time counsel for plaintiff may apply by letter for restoration of the action to the active calendar of this Court in the event by the deadline indicated the settlement is not consummated. Upon such notification, the defendant shall continue to be subject to the Court's jurisdiction, the Court shall promptly reinstate the action to its active docket and the parties shall be directed to appear before the Court, without the necessity of additional process, on a date within thirty days of the

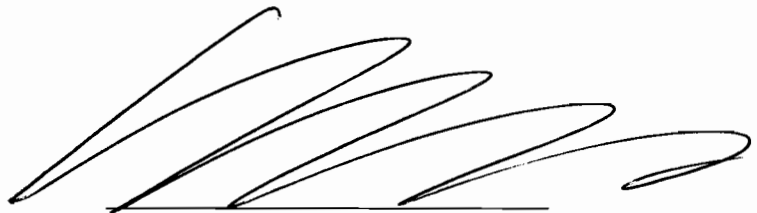
plaintiff's application for reinstatement, to schedule remaining pre-trial proceedings and/or dispositive motions, as appropriate. This Order shall be deemed a final discontinuance of the action with prejudice in the event plaintiff has not requested restoration of the case to the active calendar within such period of time.

Any further conferences with the Court scheduled in this action are canceled but shall be rescheduled as set forth above in the event plaintiff notifies the Court that the parties' settlement was not effectuated and that such conference is necessary to resume pretrial proceedings herein.

The Clerk of Court is directed to close this case.

SO ORDERED.

Dated: NEW YORK, NEW YORK
18 May 2009



VICTOR MARRERO
U.S.D.J.

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MICHAEL A. CARDOZO
Corporation Counsel

**THE CITY OF NEW YORK
LAW DEPARTMENT**

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May 15, 2009

BY FAX

Fax: (212) 805-6382
Honorable Victor Marrero
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: Paul Stutz v. City of New York, et al.
09 Civ. 1759 (VM)

Your Honor:

I am an Assistant Corporation Counsel in the office of Michael A. Cardozo, Corporation Counsel of the City of New York, and the attorney assigned to the defense of the above referenced matter. I write to inform the Court that the parties have reached an agreement in principle to settle this matter on behalf of all defendants. Accordingly, I will forward the requisite documents to plaintiff's counsel for execution. As soon as the papers are fully executed, the parties will duly submit the proposed Stipulation and Order of Settlement and Discontinuance to the Court for endorsement and filing with the Clerk.

Thank you for your time and consideration in this matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Amy N. Okereke".

Amy N. Okereke
Assistant Corporation Counsel
Special Federal Litigation Division

cc: James I. Meyerson, Esq., attorney for plaintiff (via fax: (212) 513-1006)